

No. PD-1199-17

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COURT OF CRIMINAL APPEALS
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In the Court of Criminal Appeals of Texas

Andrew Lee Williams,

Petitioner,

Vs.

State of Texas,

Respondent.

On Discretionary Review from the Court of Appeals
Fourteenth Judicial District, Appeal No. 14-16-00458-CR,
Appealed from the 239th District Court,
Trial Court Cause No. 75253, Brazoria County, Texas

Respondent's Brief on Discretionary Review

Jeri Yenne – Brazoria County
Criminal District Attorney

Trey D. Picard
Assistant Criminal District Attorney
State Bar No. 24027742
111 East Locust St., Suite 408A
Angleton, Texas 77515
(979) 864-1233
(979) 864-1712 Fax
treyp@brazoria-county.com
Attorney for The State of Texas

Identity of Parties and Counsel

Petitioner: Andrew Lee Williams

Appellee: The State of Texas

**Attorney for petitioner
on appeal:** Crespin Michael Linton
State Bar No. 12392850
Attorney at Law
440 Louisiana, Suite 900
Houston, Texas 77002
(713) 236-1319
(713) 236-1242 Fax
crespin@hal-pc.org

**Attorneys for petitioner
at trial:** Jared Robinson
State Bar No. 24060506
Attorney at Law
1100 Rosenberg
Galveston, Texas 77550
(409) 200-2412

Kyle Verret
State Bar No. 24042932
Attorney at Law
11200 Broadway, Suite No. 2743
Pearland, Texas 77584
(281) 764-7071

**Attorney for respondent
on appeal:**

Trey D. Picard
State Bar No. 24027742
Assistant Criminal District Attorney
111 East Locust St., Suite 408A
Angleton, Texas 77515
(979) 864-1233
(979) 864-1712 Fax
treyp@brazoria-county.com

**Attorneys for the respondent
at trial:**

Aaron Perry
State Bar No. 24068270
Assistant Criminal District Attorney
David Tamez
State Bar No. 24079433
Assistant Criminal District Attorney
111 East Locust St., Suite 408A
Angleton, Texas 77515
(979) 864-1233
(979) 864-1712 Fax

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Abbreviation for Record References

Abbreviation		Record
1	RR 2:532	Reporter's Record, vol. 2, page 532.
2	CR 0000045	Clerk's Record, page 45.
3	Pet. Br. 5	Petitioner's Brief, page 5.
4	Apx. Ex. 1	State's Appendix, Exhibit 1.
5	RR 5: Sx. 1	Reporter's Record, vol. 5, State's Exhibit 1

Statement of the Case

A jury convicted petitioner of manslaughter and accident involving injury or death arising from an incident in which petitioner struck two joggers with his vehicle (CR 000001). With his punishment enhanced by two prior felony convictions, the jury sentenced him to 60 years' imprisonment (CR 000358). On appeal, Petitioner argued (among other issues) that the trial court abused its discretion by admitting into evidence the results of his blood tests, accompanied by a Certificate of Analysis under article 38.41 of the Code of Criminal Procedure, without the testimony of the individual who performed the testing. *See* TEX. CODE CRIM. PROC. art. 38.41 (Vernon 2018).

Petitioner argued the admission of the lab report violated his right to confrontation under the Sixth Amendment to the United States Constitution. The Fourteenth Court of Appeals held that the certificate substantially complied with the statute; therefore, he was required to file a written objection at least ten days before trial. Having failed to do so, the court determined that petitioner did not preserve the issue for review. *See Williams v. State*, 531 S.W.3d 902, 918 (Tex.App.—Houston [14th Dist.] 2017, pet. filed) (citing *Deener v. State*, 214 S.W.3d 522, 526 (Tex.App.—Dallas 2006, pet. ref'd)).

Issues Presented

Article 38.41 of the Texas Code of Criminal Procedure provides that a Certificate of Analysis is admissible as evidence during trial to establish the results of the laboratory analysis without requiring the analyst to physically appear at trial if the certificate complies with the statutory requirements. *See* TEX. CODE CRIM. PROC. ANN. art. 38.41, § 1. The certificate is not admissible if the opposing party files a written objection to the use of the certificate no later than ten days before trial. *See id.* art. 38.41, § 4. At issue is whether the certificate admitted into evidence as State's Exhibit 138 substantially complies with the requirements of article 38.41 (Apx. Ex. 1). If so, the Court of Criminal Appeals should determine whether the failure to file a written objection to the certificate before trial waived the petitioner's Sixth Amendment complaint.

Statement of Facts

The case involved a hit-and-run incident in which petitioner's vehicle collided with two pedestrians. Donna Treesh and her daughter, Megan Gonzalez, were jogging along Business SH 288, a main thoroughfare through the City of Angleton, Texas, when they were struck from behind by a vehicle driven by the petitioner (RR 3:51, 3:61, 3:149, 6:58). Donna and Megan were members of a fitness center located near the scene (RR 3:52). As part of a regularly scheduled routine every Saturday over the preceding year, Donna and Megan would warm up with other club members before their workout by jogging on the improved shoulder of SH 288 a short distance away from the fitness center (RR 3:53-54, 3:194, 6:58-59).

At approximately 9:00 a.m. on Saturday, December 13, 2014, Donna and Megan were running with a group of about ten other club members single file along SH 288, about one foot from the edge near the grass. The weather was dry, the traffic light and visibility clear for about a mile (RR 3:59, 3:193-94, 4:216-17, 6:61, 6:63, 6:72). At the same moment, petitioner, accompanied by one passenger, Amanda Berkley, was driving a red Pontiac sedan along Business SH 288. Petitioner's vehicle suddenly crossed onto the shoulder of the road, traveled a short distance and struck Donna and her daughter, narrowly missing another jogger (RR 3:55, 3:58-60, 3:78, 3:80-82, 3:98).

Megan rolled off the right side of the Pontiac into the grass (RR 3:83). Donna was ejected about 12 feet into the air and landed on the shoulder of the road (RR 3:61). The vehicle continued down the shoulder of Business SH 288, traveling a short distance before it merged back into traffic and continued north (RR 3:84). No one saw the petitioner apply his brakes until he made a right turn on Cemetery Rd., which intersects Business SH 288 about one mile from the scene (RR 3:61, 3:63, 3:81). The passenger-side mirror and other debris from the Pontiac were left at the scene (RR 3:203, 4:54, 4:103, 4:150).

Other members of the fitness club and employees of a motorcycle dealership across the street who witnessed the accident ran to assist the two women (RR 3:61). Christopher Peterson, a witness from the dealership, held Donna's hand and told her to "hold on" until she died a few minutes later (RR 3:147). Christopher stayed with Donna until paramedics arrived and rushed Megan to the hospital (RR 3:85, 5:12). Christopher also testified he never saw the driver apply his brakes or return to the scene (RR 3:86). An autopsy confirmed Donna died as the result of multiple injuries from being struck by a motor vehicle. She was 49 years old (RR 3:115-19, 3:123, 3:146).

Ronald Kirby, a member of the deceased's family, was called to the scene later that morning (RR 3:149-50). He proceeded to look for a vehicle matching the description of the one that hit Donna and Megan. At approximately

1:30 p.m. that day, Ronald located a 2003 Pontiac Grand Am with a broken windshield and dents on the hood parked in front of a trailer home in a park located on Cemetery Rd. in Angleton approximately one mile away from the scene (RR 3:151-54, 3:158, 4:75, 5:73). He called the Angleton Police Department and told them he located an automobile that might have been involved in the collision. Ronald then parked across the street from the trailer and waited for the police to arrive (RR 3:154-55).

Officer Steven Epperley responded to Ronald's call (RR 3:204). Officer Epperley met with Ronald and proceeded to a trailer located at 410 Sunny Meadows where he saw a red Pontiac with a windshield that was caved in as if it had been made by impact with a body. The vehicle also had a dented hood and was missing a mirror on the right side (RR 3:205-07, 3:20). After knocking on the door and speaking with two other people for several minutes, the officer met the petitioner who admitted he owned the damaged Pontiac (RR 3:210-11, 4:15). Another resident of the trailer also said petitioner's vehicle had been at the residence for "a couple of hours" (RR 3:211-12).

When asked what happened to his car, petitioner told the officer he hit a deer that morning at about the same location where Donna had been killed (RR 3:211, 4:22). Other occupants of the trailer also said that petitioner had hit a deer (RR 5:19). Petitioner told Officer Epperley that he walked to a nearby store after

receiving a phone call from the owner who was an acquaintance and had seen petitioner's damaged vehicle after the collision. Petitioner said the owner asked him whether he had hit someone with his vehicle. Petitioner said he told the owner that he "didn't know" and that all he saw was a "blonde" animal—not a person when he swerved on the roadway (RR 9: Sx. 104).

Officer Epperley gave petitioner a *Miranda* warning before continuing the interview. Petitioner indicated he understood his rights and agreed to speak with him (RR 3:212, 4:16). During the interview, Officer Epperley noted that petitioner was wearing a pair of urine-stained pants and appeared very nervous. The officer also noted that petitioner's train of thought seemed scattered (RR 4:33, 4:35). Petitioner told Officer Epperley he walked to a nearby convenience store, and spoke with the owner who said petitioner had hit someone with his car and it was a fatality. Petitioner could not explain, however, why he did not contact the police upon learning this, but he did manage to call his father about the collision (RR 9: Sx. 104). Petitioner maintained he did not know he had hit a person, and if he had known he would have stopped (RR 9: Sx. 104). He also denied consuming alcohol or using any illegal drugs that morning, but he agreed to provide a blood specimen (RR 4:64, 9: Sx. 104).

Officer Epperley placed petitioner into custody. While in route to the police station petitioner fell asleep in the back of the patrol car (RR 4:34, 9: Sx.

105). After obtaining a blood search warrant, Officer Epperley drove petitioner to a University of Texas Medical Branch hospital in Angleton where a phlebotomist collected a specimen from the petitioner (RR 4:36-37). Subsequent analysis of petitioner's blood by the Brazoria County Sheriff's Office showed the presence of THC—the psychoactive ingredient in cannabis. The tests also revealed the presence of meprobamate, which is metabolite of the muscle relaxant Soma or carisoprodol (RR 4:101, 10: Sx. 137).

Petitioner's blood specimen was then sent to an out-of-state laboratory, NMS Labs, for further analysis (RR 4:104). This lab was used because it has more sensitive and sophisticated equipment available to test for controlled substances (RR 4:105-06) A report from this lab, which was admitted into evidence as State's Exhibit 138 over petitioner's objections, among which was his claim that admission of the report violated his right of confrontation under the Sixth Amendment to the United States Constitution (RR 5:56-57, 5:103). State's Exhibit 138 indicated the presence of both stimulants and antidepressant in the petitioner's blood (RR 4:105). In particular, the NMS lab report also notes the presence of (among other substances) amphetamine, methamphetamine; THC, benzoylecgonine (a metabolite of cocaine), hydrocodone and carisoprodol (RR 5:105).

Petitioner's vehicle was towed to the Angleton Police Department for further investigation (RR 4:23). Long strands of human hair were recovered from the broken windshield (RR 4:23). An inspection of the petitioner's car performed on December 16, 2014, showed that the vehicle was in good working condition before the crash (RR 4:79, 4:81, 4:83). Analysis of the crash data recorder (or "black box") collected from the Pontiac indicated petitioner was driving 55 miles per hour and increased speed before the impact (RR 4:177-78). The data also showed he did not apply his brakes before colliding with Donna and Megan (RR 3:168-69, 3:171, 3:172-73).

Based on the evidence gathered from the black box, the state's accident reconstruction expert, Robin Wright, concluded there was no perception of—or reaction to—the deceased and her daughter by the petitioner before he struck them with his vehicle (RR 4:188-89). Ultimately, the witness determined the cause of the collision was that petitioner "steered the car off the main lanes on to the shoulder of the roadway" and "failed to either slide to a stop or turn away from the pedestrians that were occupying the shoulder"—thus deviating from the standard of care required of an individual driving a vehicle (RR 4:189, 4:192-93). He also said the collision was nothing like hitting an animal, such as a deer (RR 4:213-14).

Det. Rodney Crisp interviewed the petitioner while in custody on December 18, 2014 (RR 5:27, RR 9: Sx. 135). Petitioner told the detective he had passed out behind the wheel and woke up when he heard a loud thud when his vehicle struck the two runners (RR 5:35). He admitted to taking prescription medication on the morning of the collision. Petitioner also said he used crystal methamphetamine and cocaine about two days prior to the incident (RR 5:35-36, 9: Sx. 135). Petitioner also said he was driving to a Budget Inn in Angleton to get some rest because he was “in and out of consciousness” (RR 5:36-37, 9: Sx. 135). Petitioner said he did not know what happened until his passenger said, “you just hit someone” (RR 5:35, 9: Sx. 135). Petitioner said his intent was to drive his damaged vehicle to the Angleton Police Department and turn himself in, but officers arrived before he could take a shower and change—something he wanted to do before surrendering (RR 5:38, 9: Sx. 135).

Summary of the Argument

Because petitioner failed to file a timely, written objection to the State's Certificate of Analysis Affidavit, which complies with the requirements of article 38.41 of the Code of Criminal Procedure, the Fourteenth Court of Appeals correctly held that petitioner did not preserve his Sixth Amendment complaint for appellate review.

Argument

Petitioner complains his right of confrontation under the Sixth Amendment to the United States Constitution was violated when the trial court admitted the lab report identified as State's Exhibit 138, which was supported by a Certificate of Analysis under article 38.41 of the Code of Criminal Procedure (Pet. Br. 54-55) (CR 000080-102). The analyst who signed the certificate and accompanying lab report did not testify at trial. A Certificate of Analysis is admissible as evidence to establish the results of the laboratory analysis without requiring the analyst to physically appear at trial if the certificate substantially complies with the statutory requirements. *See* TEX. CODE CRIM. PROC. ANN. art. 38.41, §§ 1, 5 (Vernon 2018). The certificate is not admissible if the defense files a written objection no later than ten days before trial. *See id.* art. 38.41, § 4.

The Confrontation Clause of the Sixth Amendment guarantees the accused the right to confront the witnesses against him. *See* U.S. CONST. amend. VI.; *Paredes v. State*, 462 S.W.3d 510, 514 (Tex.Crim.App.2015). The United States Supreme Court has held that this rule bars the admission of "testimonial" statements of a witness who does not appear at trial unless the witness who made the statement (1) testifies under cross-examination at trial, or (2) is unavailable to testify and the defendant had a prior opportunity to cross-examine the witness. *See Crawford v. Washington*, 541 U.S. 36, 53–54 (2004); *Paredes*, 462 S.W.3d at 514.

“Testimonial” statements include “statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial.” *See Paredes*, 462 S.W.3d at 514 (quoting *Crawford*, 541 U.S. at 52). Affidavits reporting the results of forensic analysis are testimonial statements; thus, the analysts who performed the tests are witnesses for purposes of the Sixth Amendment. *See Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 310-11 (2009). Absent a showing the analyst was unavailable to testify at trial and that the defendant had a prior opportunity to cross-examine the analyst, a defendant is entitled to be confronted with the analyst at trial. *See id. see also Deener*, 214 S.W.3d at 526 (chain of custody affidavit and Certificate of Analysis are testimonial for purposes of right to confrontation).

1) Article 38.41 mandates when a defendant must raise a Sixth Amendment objection.

The right to a physical face-to-face meeting under the Sixth Amendment, is not absolute and it must give way in certain narrow circumstances where “considerations of public policy and necessities of the case” so dictate. *See Maryland v. Craig*, 497 U.S. 836, 848 (1990). A state may enact procedural rules in the form of notice-and-demand statutes that “require the prosecution to provide notice to the defendant of its intent to use an analyst’s report as evidence at trial, after which the defendant is given a period of time in which he may object to the admission of the evidence absent the analyst’s appearance live at trial.” *See id.* at

326. In *Melendez-Diaz*, the Supreme Court recognized so-called “notice-and-demand statutes” as a means by which a defendant may waive Confrontation Clause rights. *See* 557 U.S. at 326. The Court characterized notice-and-demand statutes, “[i]n their simplest form, [to] require the prosecution to provide notice to the defendant of its intent to use an analyst’s report as evidence at trial, after which the defendant is given a period of time in which he may object to the admission of the evidence absent the analyst’s appearance live at trial.” *See id.*

The Supreme Court approved the use of such notice-and-demand statutes, reasoning that states are “free to adopt procedural rules governing objections,” such statutes maintain the burden on the defendant to raise a timely Confrontation Clause objection, and “[t]here is no conceivable reason” why a defendant cannot be required to exercise her Confrontation Clause rights in advance of trial. *See id.* at 327 & n.12. Although the Supreme Court did not purport to sanction every possible form of notice-and-demand statute, it did cite the notice-and-demand statutes of Texas under article 38.41 as an example of a provision that complies with Confrontation Clause requirements. *See id.* (citing TEX. CODE CRIM. PROC. ANN., art. 38.41, § 4).

Texas’s notice-and-demand statute is contained in articles 38.41, as well as article 38.42, of the Code of Criminal Procedure. *See* TEX CODE CRIM. PROC. ANN. arts. 38.41, 38.42. “The defendant always has the burden of raising his

Confrontation Clause objection; notice-and-demand statutes simply govern the time within which he must do so.” *See Melendez-Diaz*, 557 U.S. at 327. Certificates of analysis of physical evidence and chain of custody affidavits are, therefore, admissible without a witness appearing at trial if they are filed and served on the opposing party more than twenty days before trial begins and the opposing party does not file a written objection by the tenth day before trial begins. *See* TEX CODE CRIM. PROC. ANN. arts. 38.41 (Certificate of Analysis of Physical Evidence); 38.42 (Chain of Custody Affidavit).

A defendant waives any objection under the Confrontation Clause to the admissibility of the Certificate of Analysis or chain of custody affidavit by failing to timely object under the statute. *See Deener*, 214 S.W.3d at 528. Here, the state filed the blood test results and a “Certificate of Analysis Affidavit” more than twenty days before trial began. *See* TEX CODE CRIM. PROC. ANN. art. 38.41, § 4, art. 38.42, § 4. In relevant part, the certificate states the following:

My name is Dr. Wendy Adams. I am of sound mind, over the age of 18 years, capable of making this affidavit, and personally acquainted with the facts stated in this affidavit.

I am employed by NMS Labs, which was authorized to conduct the analysis referenced in this affidavit. This laboratory is accredited by [the] American Board of Forensic Toxicology (ABFT). *See attached licensures and accreditations for complete list.*

As an Assistant Laboratory Director at NMS Labs, I am familiar with the laboratory's standard operating procedures, accreditation requirements, quality assistance, and quality control policies. Part of my duties for this laboratory involves the analysis of toxicological evidence for one or more law enforcement agencies. I have the technical knowledge and qualifications to determine the results of those tests or procedures. My educational background is stated on my Curriculum Vitae (*see attached*).

I reviewed the data from the tests or procedures on the toxicological evidence on the 11th day of March, 2016. The results are as indicated on the Laboratory Toxicology Report attached hereto.

I certify that the attached Laboratory Toxicology Report and Chain of Custody documents for Andrew Williams, work order number 14331040 (BCCL-14-2387), which are 15 pages in length, are an accurate record of the tests or procedures performed on the toxicological evidence received by this laboratory and are reliable and approved by NMS Labs.

(RR 5:103) (Apx. Ex. 1).

The Certificate of Analysis was also accompanied by a chain of custody affidavit stating:

My name is Myhanh Tram. I am of sound mind, over the age of 18 years, capable of making this affidavit, and personally acquainted with the facts stated in this affidavit.

My work address is 3701 Welsh Road, Willow Grove, PA 19090.

On the 24th day of December, 2014, I was employed by NMS Labs.

On that date, I came into possession of the toxicological evidence, NMS Labs work order 14331040, described as follows: one (1) sealed envelope labeled “IFL 14120645” containing one (1) gray top tube of blood labeled “Andrew Williams”.

The toxicological evidence was received from Integrated Forensic Labs, Grand Prairie via Fed-Ex Priority Overnight.

I transferred the toxicological evidence to the Aliquot Area in Specimen Processing on the 24th day of December, 2014.

During the time that the toxicological evidence was in my custody, I did not make any changes or alterations to the condition of the toxicological evidence except for those resulting from field or laboratory testing procedures, and the toxicological evidence or a representative sample of the toxicological evidence was transferred in essentially the same condition as received.

(CR 000078) (Apx. Ex. 1). Respondent asks the Court to take judicial notice of the Chain of Custody affidavit signed by Ms. Tram. *See* TEX R. EVID. 201.¹

Petitioner waited until trial to object to the certificate and accompanying blood test results. Accordingly, the Fourteenth Court of Appeals held that petitioner waived any objection that the admission of the affidavit or the

¹ The chain of custody affidavit was filed before trial, but was not included with the other documents submitted as State's Exhibit 138.

blood test results addressed by the affidavit violated his right of confrontation. *See Williams*, 531, S.W.3d at 917, *Deener*, 214 S.W.3d at 528. There is no dispute that the State filed and served the Certificate of Analysis and accompanying documentation to the defense as required by the statute. Petitioner argues, however, that because the certificate does not comply with the requirements of article 38.41; therefore, the trial court abused its discretion by overruling his objection.

2) The Certificate of Analysis complies with article 38.41.

Petitioner argues the certificate does not comply with the statute because it was not signed by the technician who performed the analysis. Finding that the certificate met the requirements of the statute, the Fourteenth Court of Appeals held, “Absent a more specific requirement in the statute that the affiant be the certifying analyst, the Certificate of Analysis substantially complies with the requirements of article 38.41.” *See Williams*, 531, S.W.3d at 917 (citing *Lopez v. State*, No. 08-10-00285-CR, 2012 WL 1658679, at *4 (Tex. App.—El Paso May 9, 2012, no pet.) (mem. op., not designated for publication) (Certificate of Analysis substantially complied with statute despite it failing to include a statement that the tests or procedures used were reliable)).

In *Burch v. State*, the Court of Criminal Appeals held that the Confrontation Clause also required that the defendant be afforded the opportunity

to cross-examine the analyst who actually performed the forensic tests or at least one who observed the process of testing the particular sample at issue. *See* 401 S.W.3d 634, 638 (Tex.Crim.App.2013). Without the testimony of the analyst who performed or supervised the test, the Court wrote, “the defendant has no way to explore the types of corruption or missteps the Confrontation Clause was designed to protect against.” *See id.* “The witness being called needs to have personal knowledge of the facts in issue—the specific tests and their execution.” *See id.*

This rule, however, does not mean “that everyone who laid hands on the evidence must be called.” *See Melendez–Diaz*, 557 U.S. at 311 n. 1; *see also*, e.g., *Boutang v. State*, 402 S.W.3d 782, 788 (Tex.App.—San Antonio 2013, pet. ref’d) (neither the court of criminal appeals nor any other appellate court has “required the State to produce the actual person who mixed a reference solution for an Intoxilyzer machine before the breath-test results can be admitted in court.” ... “an expert familiar with the maintenance of Intoxilyzer machines and lab procedures associated with its maintenance, [the new technical supervisor] testified as to the maintenance of the machine and what the particular numbers meant on the report”).

More recently, in *Mayer v. State*, the Fourteenth Court of Appeals observed that the United States Supreme Court “explicitly refused to hold in *Melendez–Diaz* that ‘anyone whose testimony may be relevant in establishing the

chain of custody, authenticity of the sample, or accuracy of the testing device, must appear in person as part of the prosecution's case.” See 494 S.W.3d 844 (Tex.App.—Houston [14th Dist.] 2016, no pet.) (citing *Paredes*, 462 S.W.3d at 515 (quoting *Melendez–Diaz*, 557 U.S. at 311 n. 1)). The court of appeals in *Mayer* held, “Any questions about the validity of the testing process may be answered by an analyst who either performed *or supervised* the test.” See *id.* (emphasis added) (citing *Burch*, 401 S.W.3d at 638).

The court in *Mayer* relied on the Court of Criminal Appeals' decision in *Paredes*, a capital murder case. See 462 S.W.3d at 513–14 (supervising analyst's testimony that DNA from blood on defendant's t-shirt matched one of victims, based on her analysis of raw data compiled by three technicians who performed different steps in process, did not violate defendant's right of confrontation). In *Paredes*, the police recovered a t-shirt worn by the defendant during the commission of the crime and sent the shirt to a private laboratory for DNA testing. See *id.* at 512. The testing procedures revealed that DNA extracted from a bloodstain on the shirt matched the DNA profile of the victim. See *id.* The State called the forensic laboratory director to testify about the DNA analysis and offered only the director's opinion testimony into evidence. See *id.* at 512–13.

The director testified that the DNA testing was conducted in an assembly-line batch process with three different analysts performing each step of

the testing in order to generate raw DNA data for analysis. *See id.* at 512. Even though she did not physically watch the three analysts conduct the initial testing procedures, she testified that—much like Dr. Adams in the present case—she supervised the process and had personal knowledge of the tests performed. *See id.* The director also similarly provided details about the laboratory’s safety protocols, which were in place to identify process errors. *See id.* at 513.

The director in *Paredes* also testified that she herself conducted the final analysis and, based on the raw DNA data provided by the three testing analysts, she concluded there was a match between the DNA data generated and the DNA profile of the victim. *See id.* at 512. The State neither introduced the raw data the director relied on to formulate her opinion, nor called the testing analysts to testify at trial. *See id.* at 513. The director in *Paredes* also testified that “she was not testifying about someone else’s opinions because she was responsible for compiling the data generated by the various instruments and reaching the ultimate conclusion[.]” *See id.*

Because she performed the “crucial analysis” determining that the DNA sample taken from the defendant’s shirt matched the victim’s DNA profile, the Court of Criminal Appeals reasoned that the conclusion to which she testified at trial was her own. *See id.* at 518. The raw DNA data the director in *Paredes* used in formulating her own opinion merely provided a basis for that opinion. *See id.* at

514. The Certificate of Analysis Affidavit at issue here was signed by Dr. Wendy Adams, who supervised the testing of petitioner's blood and signed a report based on the data generated by other analysts at NMS Labs. In pertinent part, Dr. Adams swore to the following:

- I am familiar with the laboratory's standard operating procedures, accreditation requirements, quality assistance, and quality control policies. Part of my duties for this laboratory involves the analysis of toxicological evidence for one or more law enforcement agencies. I have the technical knowledge and qualifications to determine the results of those tests or procedures.
- I reviewed the data from the tests or procedures on the toxicological evidence on the 11th day of March, 2016. The results are as indicated on the Laboratory Toxicology Report attached hereto.
- I certify that the attached Laboratory Toxicology Report ... *are an accurate record of the tests or procedures performed on the toxicological evidence received by this laboratory.*

(RR 5:103) (Apx. Ex. 1).

Petitioner argues the Certificate of Analysis failed to meet the requirements of article 38.41, however, because the supporting affidavit was not executed by the same person who conducted the analysis of Petitioner's blood (Pet. Br. 56). As defense counsel observed during trial, attached to the State's certificate "was a list of people who conducted analyses of the substances and the blood." However, "the affiant in the Certificate of Analysis is not the person who actually

conducted any of those tests” (RR 5:57). Accordingly, petitioner concludes the certificate does not substantially comply with article 38.41 because it “does not state that ... the affiant actually performed any tests herself or actually followed any specific procedures in performing the test” (RR 5:57-58).

There is no specific requirement under article 38.41, however, that the affiant for the certificate be the same individual who performed the analysis of the specimen in question. To the contrary, as a supervisor or director at NMS Labs, Dr. Adams was free to use “non-testimonial information—computer-generated ... data—to form an independent, testimonial opinion.” *See Paredes*, 462 S.W.3d at 518; *Molina v. State*, 450 S.W.3d 540, 551 (Tex.App.—Houston [14th Dist.] 2014, no pet.) (testifying analyst “independently analyzed the data and offered his own opinions, testified at length and was cross-examined concerning the basis for his opinions”). Dr. Adam’s Certificate of Analysis Affidavit is just the sort of testimony addressed by the Supreme Court when it noted that the Confrontation Clause does not mandate “that anyone whose testimony may be relevant in establishing the ... accuracy of the testing device” must testify. *See Melendez-Diaz*, 557 U.S. at 311 n.1.

While it is not necessary for the Court of Criminal Appeals to determine whether Dr. Adams’s testimony, standing alone, would be sufficient to overcome a timely raised Sixth Amendment objection, her affidavit substantially

complies with 38.41 of the Code of Criminal Procedure and thereby triggered a time frame in which the petitioner was required to assert his complaint. Had the petitioner done so prior to trial, Dr. Adams could have been brought to trial and cross-examined as to what extent the report reflects her own independent analysis of the petitioner's blood. But this did not occur because petitioner ignored the statute. There is no legal support for petitioner's claim that the Certificate of Analysis fails to comply with article 38.41 because Dr. Adams may have relied on the test of other analysts—to the contrary, this Court's holding in *Paredes* suggests the certificate does in fact meet the statutory requirements. Accordingly, petitioner's complaint should be overruled.

3) Petitioner waived his Sixth Amendment complaint.

A defendant must preserve error in the trial court to argue on appeal that his right to confront witnesses was violated. *See Anderson v. State*, 301 S.W.3d 276, 280 (Tex.Crim.App.2009); TEX. R. APP. P. 33.1(a)(1). To preserve error, a defendant must make a timely, specific objection. *See Layton v. State*, 280 S.W.3d 235, 238–39 (Tex.Crim.App.2009); “[T]he right of confrontation is a forfeitable right—not a waivable-only right—and must be preserved by a timely and specific objection at trial.” *See Deener v. State*, 214 S.W.3d 522, 527–28 (Tex.App.—Dallas 2006, pet. ref’d); *see also Melendez-Diaz*, 557 U.S. at 327 (“There is no conceivable reason why [the defendant] cannot similarly be

compelled to exercise his Confrontation Clause rights before trial.”); *Paredes v. State*, 129 S.W.3d 530, 535 (Tex.Crim.App.2004) (defendant failed to preserve error on his confrontation claim because he failed to object on confrontation clause grounds at trial.); *Wright v. State*, 28 S.W.3d 526, 536 (Tex.Crim.App.2000) (defendant waived his confrontation claim by failing to raise a confrontation clause objection at trial.).

A reviewing court should not address the merits of an issue that has not been preserved for appeal. *See Wilson v. State*, 311 S.W.3d 452, 473 (Tex.Crim.App.2010) (op. on reh’g). As to the present issue, an opposing party waives any objection to the certificate if it fails to make a timely objection under article 38.41. *See Deener*, 214 S.W.3d at 527–28; *see also Herring v. State*, No. 05–08–01699–CR, 2010 WL 1713639, at *2 (Tex.App.—Dallas Apr. 28, 2010, pet. ref’d) (mem. op., not designated for publication) (finding defendant waived any objection to the admission of the State’s Certificate of Analysis and chain of custody affidavit under Article 38.41, § 4 of the Texas Code of Criminal Procedure because she failed to timely file an objection under the statute); *see also Lopez v. State*, No. 08–10–00285–CR, 2012 WL 1658679 at *5 (Tex.App.—El Paso May 9, 2012, no pet.) (not designated for publication) (“By failing to timely file a written objection to the Certificate of Analysis, Petitioner failed to preserve the issue for our review.”).

In response to petitioner's trial objection, the State argued:

With regard to the Certificate of Analysis and chain of custody [affidavit], the statute is plainly clear and governs. It is ... a notice and demand statute that requires the State to provide notice to the defense of its intent to produce this affidavit at trial under the specific code section. That notice was provided. That same section provides a time window for which the defense can make a complaint. That time window has elapsed. That demand was not made; and therefore, the defense has waived all of their objections regarding this particular piece of evidence.

...

The purpose of the statute is to allow the State to secure the presence of witnesses, to allow it time to get its witnesses here ... if there's a demand made with regard to the rights of confrontation. That demand wasn't made. And, therefore, the State's efforts have been frustrated and the State should not be required to produce ... this witness on a dime when it [could] have had the time to do so if the defendant had made a timely objection.

...

And if the defense has a complaint about one of the elements in the certificate, that complaint should have been lodged 10 days prior to trial to avoid this very problem that the State would be having if this certificate were ruled inadmissible. It frustrates the purpose of the statute.

(RR 5:59-60).

The record support's the prosecutor's claim that the Certificate of Analysis supporting State's Exhibit 138 was filed approximately six weeks in advance of trial (CR 1:000080). In spite of double the amount of notice required under the statute that the State intended to rely on these documents, Petitioner never filed a written objection to its use. Instead, he waited until the State offered the affidavit and Certificate of Analysis at trial to object (RR 5:61). In the absence of "a timely objection to 'the use of' the documents, a timely filed Certificate of Analysis to establish the results of a laboratory analysis of physical evidence and a chain of custody affidavit are admissible without a witness appearing at trial. *See Herring*, 2010 WL 1713639 at *2 (citing TEX. CODE CRIM. PROC. ANN. art. 38.41, §§ 1, 4). Petitioner waived any complaint that admission of his blood test results under a Certificate of Analysis violated his right of confrontation. *See Deener*, 214 S.W.3d at 528.

Absent a *timely* objection to the use of the documents, a timely filed Certificate of Analysis to establish the results of a laboratory analysis of physical evidence and a chain of custody affidavit are admissible without a witness appearing at trial. *See Herring*, 2010 WL 1713639, at *2 (emphasis added) ("Because Herring failed to timely object to the use of the affidavit and the related blood test results, she waived any objection to the admission of these documents, including any complaint ... about the qualifications of the person who conducted

the blood draw.”). Because petitioner raised no objection whatsoever to the Certificate of Analysis and the related blood test results until the time the evidence was offered at trial, he waived any objection to the admission of these documents, and his fourth issue should be overruled.

The right of confrontation is a forfeitable right. If it was important for the defense to have the testing analyst appear at trial, defense counsel could have filed an objection under article 38.41. Having failed to do so, petitioner waived his complaint about the certificate. In this case, the record shows that petitioner forfeited his Sixth Amendment right of confrontation with respect to admission of chain of custody affidavits and Certificate of Analysis related to controlled substances in his blood when he failed to file written objection to its use not later than the tenth day before his trial began. Because petitioner filed no written objection as required by article 38.41, the Fourteenth Court of Appeals properly held that he failed to preserve the issue for appellate review.

Conclusion

The Certificate of Analysis signed by Dr. Adams meets the requirements of article 38.41 and petitioner filed absolutely no objection or other response prior to trial—a one page written objection could have prevented the admission of the certificate, but petitioner did nothing. Even at this point, petitioner cannot identify the individual whose testimony was necessary to satisfy his Sixth Amendment concerns. The respondent should be able to rely on the very specific terms of article 38.41 in order to have sufficient time to bring all necessary witnesses to trial. If petitioner (and any other defendant) is able to litigate the substance of an article 38.41 Certificate of Analysis during trial, the respondent can no longer rely on the statute's efficacy and its terms will be considered meaningless. Petitioner failed to preserve any objection to the Certificate of Analysis under the Sixth Amendment by waiting until the last possible minute during trial to raise the issue. The Fourteenth Court of Appeals was correct to overrule the petitioner's point of error, and the Court of Criminal Appeals should affirm that determination.

Prayer

For these reasons, the State asks the Court of Criminal Appeals to overrule the petitioner's issues on appeal and affirm the holding of the Fourteenth Court of Appeals.

Respectfully submitted,

/s/ Jeri Yenne

Jeri Yenne
State Bar No. 04240950
Brazoria County Criminal District Attorney

/s/ Trey D. Picard

Trey D. Picard
State Bar No. 24027742
Assistant Criminal District Attorney

111 East Locust St., Suite 408A
Angleton, Texas 77515
(979) 864-1233
(979) 864-1712 Fax
treyp@brazoria-county.com

Attorney for Appellee,
The State of Texas

Certificate of Service

As required by Texas Rules of Appellate Procedure 6.3 and 9.5(b),
(d), (e), I certify that I have served this document on all other parties, which are
listed below, on **June 5, 2018**:

Crespin Michael Linton
State Bar No. 12392850
Attorney at Law
440 Louisiana, Suite 900
Houston, Texas 77002
(713) 236-1319
(713) 236-1242 Fax
crespin@hal-pc.org

Attorney for Petitioner

By:

- ☐ personal delivery
- ☐ mail
- ☐ commercial delivery service
- ☒ electronic delivery / fax

/s/ Trey D. Picard

Trey D. Picard
Assistant Criminal District Attorney

Certificate of Rule 9.4 Compliance

I certify that this electronically filed document complies with Rule 9.4 of the Texas Rules of Appellate Procedure and that the number of words is: **7,080.**

/s/ Trey D. Picard

Trey D. Picard
Assistant Criminal District Attorney

Appendix

State's Exhibit 138 (Certificate of Analysis, et cet.)..... Apx. Ex. 1

CAUSE NUMBER 75253

THE STATE OF TEXAS

VS.

ANDREW LEE WILLIAMS

§
§
§
§
§

IN THE 239TH DISTRICT COURT

OF

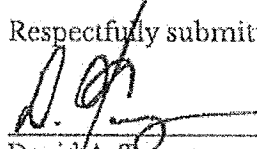
BRAZORIA COUNTY, TEXAS

STATE'S NOTICE OF FILING RECORDS AND AFFIDAVIT

Comes now, the State of Texas, by and through her Assistant District Attorney for the County of Brazoria, David A. Tamez, and hereby gives notice to this Honorable Court and other concerned parties that the State has filed with the Court certain records of NMS Labs accompanied by an affidavit of Myanh Tram and Wendy Adams, employees of NMS Labs.

These records will be offered as evidence in the trial of the above-captioned case, pursuant to sections 38.41 and 38.42 of the Texas Code of Criminal Procedure. The State, by this filing, provides notice that a true, complete, and accurate copy of these records have been provided to Jared Robinson, Attorney for the Defendant, pursuant to the Texas Code of Criminal Procedure, Articles 39.14, 38.41, and 38.42.

Respectfully submitted,

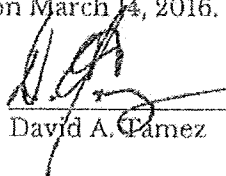


David A. Tamez
Assistant Criminal District Attorney
Brazoria County, Texas

FILED
at 9:24 o'clock A.M.
MAR 14 2016
Ronda Branch
Clerk of District Court Brazoria Co., Texas
BY KB DEPUTY

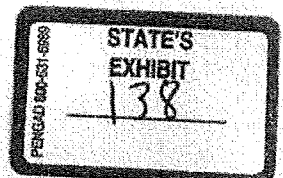
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above notice was delivered by hand to Jared Robinson, Attorney for the Defendant, on March 14, 2016.



David A. Tamez

Apx. Ex. "1"



CAUSE NUMBER 75253, 75254

THE STATE OF TEXAS

VS.

ANDREW LEE WILLIAMS

§
§
§
§
§

IN THE 239TH DISTRICT COURT

OF

BRAZORIA COUNTY, TEXAS

CERTIFICATE OF ANALYSIS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Dr. Wendy Adams, who being duly sworn, stated as follows:

My name is Dr. Wendy Adams. I am of sound mind, over the age of 18 years, capable of making this affidavit, and personally acquainted with the facts stated in this affidavit.

I am employed by NMS Labs, which was authorized to conduct the analysis referenced in this affidavit. This laboratory is accredited by American Board of Forensic Toxicology (ABFT). See attached licensures and accreditations for complete list.

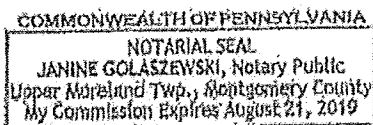
As an Assistant Laboratory Director at NMS Labs, I am familiar with the laboratory's standard operating procedures, accreditation requirements, quality assurance, and quality control policies. Part of my duties for this laboratory involves the analysis of toxicological evidence for one or more law enforcement agencies. I have the technical knowledge and qualifications to determine the results of those tests or procedures. My educational background is stated on my Curriculum Vitae (see attached).

I reviewed the data from the tests or procedures on the toxicological evidence on the 11th day of March, 2016. The results are as indicated on the Laboratory Toxicology Report attached hereto.

I certify that the attached Laboratory Toxicology Report and Chain of Custody documents for Andrew Williams, workorder number 14331040 (BCCL-14-2387), which are 15 pages in length, are an accurate record of the tests or procedures performed on the toxicological evidence received by this laboratory and are reliable and approved by NMS Labs.

W. J. Adams
Affiant

SWORN TO AND SUBSCRIBED before me on the 11th day of March, 2016.



Janine Golaszewski
Notary Public in and for
The State of Pennsylvania



NMS Labs

CONFIDENTIAL

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4800 Fax: (215) 657-2972

e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 03/11/2016 14:38

Last Report Issued 03/11/2016 13:00

To: 60876
Integrated Forensic Labs
Attn: Allece Watts
2302 113th Street
Grand Prairie, TX 75050

Patient Name WILLIAMS, ANDREW
Patient ID IFL14120645 BRAZ2014-001950
Chain 14331040
Age Not Given DOB Not Given
Gender Not Given
Workorder 14331040

Page 1 of 6

Positive Findings:

Compound	Result	Units	Matrix Source
Amphetamine	55	ng/mL	001 - Blood
Methamphetamine	180	ng/mL	001 - Blood
Delta-9 THC	1.5	ng/mL	001 - Blood
Delta-9 Carboxy THC	18	ng/mL	001 - Blood
Benzoyllecgonine	97	ng/mL	001 - Blood
Hydrocodone - Free	43	ng/mL	001 - Blood
Carisoprodol	0.33	mcg/mL	001 - Blood
Meprobamate	17	mcg/mL	001 - Blood

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	8 mL	Not Given	Blood	
002	White Envelope	Not Given	Not Given	Shipping Container	

All sample volumes/weights are approximations;

Specimens received on 12/24/2014.



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Workorder 14331040

Chain 14331040

Patient ID IFL14120645-BRAZ2014-001950

Page 2 of 6

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Amphetamine	56	ng/mL	5.0	001 - Blood	LC-MS/MS
Methamphetamine	180	ng/mL	5.0	001 - Blood	LC-MS/MS
Delta-9 THC	1.5	ng/mL	1.0	001 - Blood	GC-GC-GC/MS
Delta-9 Carboxy THC	18	ng/mL	5.0	001 - Blood	GC-GC-GC/MS
Benzoylcegonine	97	ng/mL	50	001 - Blood	GC/MS
Hydrocodone - Free	43	ng/mL	5.0	001 - Blood	LC-MS/MS
Carisoprodol	0.33	mcg/mL	0.20	001 - Blood	GC/MS
Meprobamate	17	mcg/mL	1.0	001 - Blood	GC/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.



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Workorder

14331040

Chain

14331040

~~Patient ID~~

IFL14120645-BRAZ2014-001950

Page 3 of 6



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Workorder 14331040

Chain 14331040

Patient ID -- IFL14120645 BRAZ2014-001950- -----

Page 4 of 6

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be returned six (6) weeks from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 14331040 was electronically signed on 03/11/2016 14:35 by:

Wendy R. Adams, Ph.D., F-ABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as **Not Detected**, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acodc 54000B - Amphetamines Confirmation (DUID/DRE), Blood (Forensic)



CONFIDENTIAL

Workorder 14331040
Chain 14331040
Patient ID IFL14120645-BRAZ2014-001950

Page 5 of 6

Analysis Summary and Reporting Limits:

-Analysis by High Performance Liquid Chromatography/
Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamine	5.0 ng/mL	Norpseudoephedrine	5.0 ng/mL
Ephedrine	5.0 ng/mL	Phendimetrazine	10 ng/mL
MDA	5.0 ng/mL	Phenmetrazine	5.0 ng/mL
MDEA	10 ng/mL	Phentermine	10 ng/mL
MDMA	5.0 ng/mL	Phenylpropanolamine	5.0 ng/mL
Methamphetamine	5.0 ng/mL	Pseudoephedrine	5.0 ng/mL
Methylphenidate	5.0 ng/mL	Selegiline	5.0 ng/mL

Acocde 54003B - Cannabinoids Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

-Analysis by Multi-dimensional Gas Chromatography/Mass
Spectrometry (GC-GC-GC/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
11-Hydroxy Delta-9 THC	5.0 ng/mL	Delta-9 THC	1.0 ng/mL
Delta-9 Carboxy THC	5.0 ng/mL		

Acocde 54004B - Cocaine and Metabolites Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

-Analysis by Gas Chromatography/Mass Spectrometry
(GC/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Benzoylcegonine	50 ng/mL	Cocaine	20 ng/mL
Cocacethylene	20 ng/mL		

Acocde 54006B - Opiates - Free (Unconjugated) Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

-Analysis by High Performance Liquid Chromatography/
Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
6-Monoacetylmorphine - Free	1.0 ng/mL	Hydromorphone - Free	1.0 ng/mL
Codeine - Free	5.0 ng/mL	Morphine - Free	5.0 ng/mL
Dihydrocodeine / Hydrocodone - Free	5.0 ng/mL	Oxycodone - Free	5.0 ng/mL
Hydrocodone - Free	5.0 ng/mL	Oxymorphone - Free	2.0 ng/mL

Acocde 54217B - Carisoprodol and Metabolite Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

-Analysis by Gas Chromatography/Mass Spectrometry
(GC/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Carisoprodol	0.20 mcg/mL	Meprobamate	1.0 mcg/mL

Acocde 8071B - Drug Impaired Driving/DRE Toxicology Panel, Blood (Forensic)

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamines	20 ng/mL	Cannabinoids	10 ng/mL
Barbiturates	0.040 mcg/mL	Cocaine / Metabolites	20 ng/mL
Benzodiazepines	100 ng/mL	Methadone	25 ng/mL



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Workorder 14331040

Chain 14331040

Patient ID: IFL14120645 BRAZ2014-001950

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Analysis Summary and Reporting Limits:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Methamphetamine	20 ng/mL	Phencyclidine	10 ng/mL
Opiates	20 ng/mL	Propoxyphene	50 ng/mL
Oxycodone	10 ng/mL		

Acocde 8075B - Drug Impaired Driving/DRE Toxicology Expanded Drug Screen Add-On, Blood (Forensic)

-Analysis by High Performance Liquid Chromatography/

Time ofFlight-Mass Spectrometry (LC/TOF-MS) for: The following is a general list of compound classes included in this screen. The detection of any specific analyte is concentration-dependent. Note, not all known analytes in each specified compound class are included. Some specific analytes outside these classes are also included. For a detailed list of all analytes and reporting limits, please contact NMS Labs.

Amphetamines, Anticonvulsants, Antidepressants, Antihistamines, Antipsychotic Agents, Benzodiazepines, CNS Stimulants, Cocaine and Metabolites, Hallucinogens, Hypnotics, Hypoglycemics, Muscle Relaxants, Non-Steroidal Anti-Inflammatory Agents, Opiates and Opioids.



3701 Welsh Rd,
Willow Grove, PA 19090

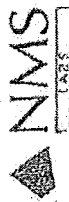
NMS Forensic Case Login Verification

Workorder: 14331040

Workorder: 14331040	Date:
Profile	60876FR
Customer Name	Integrated Forensic Labs, Grand Prairie (GP)
Chain	14331040
Sample ID	WILLIAMS, ANDREW
Work ID	IFL14120645 BRAZ2014-001950
Workorder Review	REV. POLICE
Total Samples Received	2
Package Information	
Package Sealed	Yes
Package Initialed	Yes
Package Dated	Yes
Package Opened By CSP	No
Package Notes	Not Entered
Sample Disposition Override	Not Entered
Sample Retention Time	Not Entered
Sample Retention Unit	Not Entered
Sample: 14331040-001	
Courier	FEDEX Priority Overnight
Airbill	772377452555
Container ID	14331040-001-1
Receive Date	12/24/2014
Collect Date/Time	Not Entered
Matrix	Blood
Source	Not Entered
Container Type	Gray Top Tube
Special Handling	None
Volume/Weight	8 mL
Confirmation Notes	Not Entered
Purchase Order	Not Entered
Sample Information	
Sample Sealed	Yes
Sample Labeled	Yes
Labeled As	ANDREW WILLIAMS
Sample Initialed	Yes
Sample Dated	Yes
Sample Timed	Yes
Sample Notes	Not Entered
Additional Data	Custom Discard Statement: DISCARD R6W
pH	Not Entered
Miscellaneous Information	Not Entered
Acodes(s) Ordered	
Acode	54000B: Amphetamines Confirmation (DUID/DRE), Blood
Acode	54003B: Cannabinoids Confirmation (Drug Impaired
Acode	54004B: Cocaine and Metabolites Confirmation (Drug
Acode	54006B: Opiates - Free (Unconjugated) Confirmation (Drug
Acode	54217B: Carisoprodol and Metabolite Confirmation (Drug
Acode	8071B: Drug Impaired Driving/DRE Toxicology Panel, Blood
Acode	8075B: Drug Impaired Driving/DRE Toxicology Expanded

Sample: 14331040-002	
Courier	FEDEX Priority Overnight
Airbill	772377462555
Container ID	14331040-002-1
Receive Date	12/24/2014
Collect Date/Time	Not Entered
Matrix	Shipping Container
Source	Not Entered
Container Type	White Envelope
Special Handling	None
Volume/Weight	Not Entered
Confirmation Notes	Not Entered
Purchase Order	Not Entered
Sample Information	
Sample Sealed	Yes
Sample Labeled	Yes
Labeled As	IFL 14120645
Sample Initialed	Yes
Sample Dated	Yes
Sample Timed	No
Sample Notes	Not Entered
Additional Data	Custom Discard Statement: DISCARD_R&W
pH	Not Entered
Miscellaneous Information	Not Entered
Acquisition Ordered	
Accode	STORE: No testing-store container

Sample ID	Entered and Reviewed By	Login Date
-001	Myhanh Tram	12/24/2014
-002	Myhanh Tram	12/24/2014
	Secondary Workorder Review By	Review Date
	Sarah E. Esselburn	12/29/2014



3701 Welsh Rd.
Willow Grove, PA 19090

Chain of Custody - Sample History Report

Workorder: 14331040

Work Order Information

Work ID: IFL14120645 BRAZ2014-001950
Chain: 14331040
Sample ID: WILLIAMS, ANDREW
Create Date: 12/24/2014
Customer ID: 60876
Customer Name: Integrated Forensic Labs

Container Summary

Container ID: 14331040-001-1
Receive Date: 12/24/2014
Volume / Weight: 8 mL
Sample Condition: Sample Matrix: Blood
Matrix Source: Shipping Container

Procedure History

Container ID: 14331040-001-1
Lab ID: 14331040-001
Container Type: Gray Top Tube
Procedure Description: TOF-Expanded
Tecon
GSTOX01Cf
LCAMF01Cf
MSCAN01Cf
MSCOC04Cf
MSOPF01Cf
NSMEP01Cf
MSCAN01Cf

Date	Event	From Location	Received By	Horizon Batch Number
12/24/2014	Transfer	Login (Forensic Spec Process)	Tram, Wyhant	3774817
12/24/2014	Transfer	Login (Forensic Spec Process)	Schmeltzer, David A.	3774817
12/24/2014	Transfer	SP Aliquot Area	Wertz, Brittany	3776271
12/26/2014	Transfer	SP Refrigerator 3	Schmeltzer, David	3776271
12/26/2014	Transfer	SP Aliquot Area	Schmeltzer, David	3776271
12/26/2014	Transfer	SP Refrigerator 3	Lino, Marjela	3776271
12/26/2014	Transfer	SP Aliquot Area	Lino, Marjela	3776271
12/26/2014	Transfer	SP Refrigerator 3	Smith, Julia	3776271
12/26/2014	Transfer	SP Aliquot Area	Wertz, Brittany	3776271
06/26/2015	Transfer	SP Refrigerator 3	Tuszi, Marisa	3776271
06/26/2015	Transfer	SP Sorting Area	Tuszi, Marisa	3776271
08/06/2015	Transfer	SP Refrigerator 3	Tuszi, Marisa	3776271
08/06/2015	Transfer	SP Sorting Area	Tuszi, Marisa	3776271

Container ID: 14331040-001-1A
Lab ID: 14331040-001
Container Type: Pour-off Container
Procedure Description: Tecon Prep
SC02BLDP
SC02BLDA

Date	Event	From Location	Received By	Horizon Batch Number
12/24/2014	Created		Schmeltzer, David A.	3775071
12/24/2014	Transfer	SP Aliquot Area	Muantongchlin, Suteata	3775071
12/24/2014	Transfer	SC Refrigerator 61	DeMauro, Danielle R.	3775071
12/24/2014	Transfer	SC Prep Area	DeMauro, Danielle R.	3775071

To Location	Reason	Transaction #	Parent Transaction
Login (Forensic Spec Process)	ALLOUT	9893773	9893773
SP Aliquot Area	Transfer to storage	9893802	9893802
SP Refrigerator 3	Aliquot	9893842	9893842
SP Aliquot Area	Transfer to storage	9893921	9893921
SP Refrigerator 3	Aliquot	9897725	9897725
SP Aliquot Area	Transfer to storage	9900098	9900098
SP Refrigerator 3	Aliquot	9900240	9900240
SP Aliquot Area	Transfer to storage	9900497	9900497
SP Refrigerator 3	Transfer to storage	9901379	9901379
SP Sorting Area	Transfer to storage	10426386	10426386
SP Refrigerator 3	Transfer to storage	10426374	10426374
SP Sorting Area	Transfer to storage	10544307	10544307
SP Sorting Area	Transfer to storage	10544321	10544321

To Location	Reason	Transaction #	Parent Transaction
SP Aliquot Area	Aliquot	9893927	9893927
SC Refrigerator 61	TD	9894220	9894220
SC Prep Area	PR	9894658	9894658
SC Tecan 2	AN	9894653	9894653

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3/11/2016 2:38:33 PM

Container ID 14331040-001-1B	Lab ID 14331040-001	Container Type Four-off Container	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9893927	Parent Transaction 9893927
Procedure Code GSTOX01P	Procedure Description TOF-Expanded-Prep	From Location	Muantongchin, Suteeta	GS Refrigerator 4	PR	9894223	
Event Created	Date 12/24/2014		Carrio, Cristina M.	GS Prep Area	PR	9895930	
Transfer	12/24/2014						
Transfer	12/25/2014						
Container ID 14331040-001-1BA	Lab ID 14331040-001	Container Type Instrument Vial	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9895931	Parent Transaction 9895930
Procedure Code GSTOX01A	Procedure Description TOF-Expanded Analytical	From Location	Muantongchin, Suteeta	GS Prep Area	AN	9895934	
Event Created	Date 12/25/2014		Carrio, Cristina M.	GS LC/TOF	AN		
Transfer	12/25/2014						
Transfer	12/25/2014						
Container ID 14331040-001-1C	Lab ID 14331040-001	Container Type Pour-off Container	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9897660	Parent Transaction 9896921
Procedure Code MSCOC04P	Procedure Description Cocaine and Metabolites Prep	From Location	Muantongchin, Suteeta	MS Refrigerator 89	TD	9897728	
Event Created	Date 12/28/2014		Delsher, Chelsey N.	MS Prep Area	PR	9897781	
Transfer	12/28/2014						
Transfer	12/25/2014						
Container ID 14331040-001-1CA	Lab ID 14331040-001	Container Type Instrument Vial	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9897782	Parent Transaction 9897781
Procedure Code MSCOC04Aa	Procedure Description Cocaine and Metabolites Analytical	From Location	Muantongchin, Suteeta	MS GC/MS	AN	9898177	
Event Created	Date 12/25/2014		Delsher, Chelsey N.				
Transfer	12/25/2014						
Transfer	12/25/2014						
Container ID 14331040-001-1D	Lab ID 14331040-001	Container Type Pour-off Container	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9897660	Parent Transaction 9896921
Procedure Code MSCANG1P	Procedure Description Cannabinoids Prep	From Location	Muantongchin, Suteeta	MS Refrigerator 89	TD	9897728	
Event Created	Date 12/28/2014		Sacchi, Gabriela R.	MS Prep Area	PR	9898001	
Transfer	12/28/2014						
Transfer	12/28/2014						
Container ID 14331040-001-1DA	Lab ID 14331040-001	Container Type Instrument Vial	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9898002	Parent Transaction 9898001
Procedure Code MSCANG1A	Procedure Description Cannabinoids Analytical	From Location	Sacchi, Gabriela R.	MS GC/MS	AN	9898005	
Event Created	Date 12/28/2014						
Transfer	12/28/2014						
Transfer	12/28/2014						
Container ID 14331040-001-1E	Lab ID 14331040-001	Container Type Pour-off Container	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9897660	Parent Transaction 9896921
Procedure Code LOAMIP01P	Procedure Description Amphetamines Prep	From Location	Muantongchin, Suteeta	LC Refrigerator 88	TD	9897727	
Event Created	Date 12/28/2014		Lloyd, Christopher E.	LC Prep Area	PR	9898004	
Transfer	12/27/2014						
Transfer	12/27/2014						
Container ID 14331040-001-1EA	Lab ID 14331040-001	Container Type Instrument Vial	Received By Schmeltzer, David A.	To Location SP Aliquot Area	Reason Aliquot	Transaction # 9897660	Parent Transaction 9896921
Procedure Code	Procedure Description	From Location	Muantongchin, Suteeta	LC Refrigerator 88	TD	9897727	
Event Created	Date 12/27/2014		Lloyd, Christopher E.	LC Prep Area	PR	9898004	
Transfer	12/27/2014						
Transfer	12/27/2014						

Horizon Batch Number
3775635

Horizon Batch Number
3775639

Horizon Batch Number
3776318

Horizon Batch Number
3776531

Horizon Batch Number
3777163

Horizon Batch Number
3777208

Horizon Batch Number
3776873

Horizon Batch Number

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Procedure Code	Procedure Description	From Location	Horizon Batch Number	To Location	Reason	Transaction #	Parent Transaction
Event	Date	MS Prep Area	Received By	MS GC/MS	AN	9902152	
Transfer	12/28/2014		Jenkins, Samantha H.				
Container ID	Lab ID	Container Type					
14331040-002-1	14331040-002	White Envelope					
Procedure Code	Procedure Description	From Location	Horizon Batch Number				
STORE	No Testing Assigned on Sample						
Event	Date	From Location	Received By				
Transfer	12/24/2014	Login (Forensic Spec Process)	Tram, Myrhanh	Login (Forensic Spec	LOGIN	9893773	Parent Transaction
Transfer	08/29/2015	Login (Forensic Spec Process)	Tuszl, Marisa	SP Evidence Cabinet	Transfer to storage	104300044	
Transfer	08/29/2015	SP Evidence Cabinet 1	Tuszl, Marisa	SP Sorting Area	Transfer to storage	104300046	
Transfer	08/29/2015	SP Sorting Area	Tuszl, Marisa	SP Refrigerator 3	Transfer to storage	104300047	
Transfer	08/08/2015	SP Refrigerator 3	Tuszl, Marisa	SP Sorting Area	Transfer to storage	10544236	
Transfer	08/08/2015	SP Sorting Area	Tuszl, Marisa	SP Sorting Area	Transfer to storage	10544246	

Package Receipt Condition:

Package Sealed	Package Initialed	Package Dated
Yes	Yes	Yes

Sample Receipt Condition:

Lab ID#	Sample Sealed	Sample Labeled	Sample Initialed	Sample Dated	Sample Timed
14331040-001	Yes	Yes	Yes	Yes	Yes
14331040-002	Yes	Yes	Yes	Yes	No

**NMS****Chain of Custody - Posting History Report**

Workorder: 14331040

Work ID	Chain	Sample ID
IFL14120645 BRAZ2014-001950	14331040	WILLIAMS, ANDREW
Create Date	Customer ID	Customer Name
12/24/2014	60876	Integrated Forensic Labs, Grand Prairie (GP)

Lab ID 14331040-001 (Blood)

Acode 54000B - Amphetamines Confirmation (DUID/DRE), Blood (Forensic)

Procedure	Procedure Description	HBN	QC	User Name	Date
LCAMP01P	Amphetamines Prep	3776873	OK	Lloyd, Christopher	12/27/2014
LCAMP01A	Amphetamines Analytical	3776936	OK	Lamb, Michael	12/29/2014
LCAMP01A-BREV	Amphetamines Analytical	3776936	OK	Huynh, Thanh	12/29/2014

Lab ID 14331040-001 (Blood)

Acode 54003B - Cannabinoids Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

Procedure	Procedure Description	HBN	QC	User Name	Date
MSCAN01P	Cannabinoids Prep	3777163	OK	Sacchi, Gabriela	12/28/2014
MSCAN01A	Cannabinoids Analytical	3777208	RF	Long, Kristina	12/29/2014
MSCAN01A-BREV	Cannabinoids Analytical	3777208	OK	Long, Kristina	12/29/2014
MSCAN01P	Cannabinoids Prep	3778197	OK	Jenkins, Samantha	12/29/2014
MSCAN01A	Cannabinoids Analytical	3778226	OK	Miller, Paul	12/31/2014
MSCAN01A-BREV	Cannabinoids Analytical	3778226	OK	Long, Kristina	12/31/2014

Lab ID 14331040-001 (Blood)

Acode 54004B - Cocaine and Metabolites Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

Procedure	Procedure Description	HBN	QC	User Name	Date
MSCOC04P	Cocaine and Metabolites Prep	3776318	OK	Deisher, Chelsey	12/26/2014
MSCOC04Aa	Cocaine and Metabolites Analytical	3776531	OK	Long, Kristina	12/27/2014
MSCOC04Aa-BREV	Cocaine and Metabolites Analytical	3776531	OK	Porto, Marcellino	12/28/2014

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**NMS**
LABS**Chain of Custody - Posting History Report**

Workorder: 14331040

Lab ID 14331040-001 (Blood)

Acode 54006B - Opiates - Free (Unconjugated) Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

Procedure	Procedure Description	HBN	CC	User Name	Date
MSOPF01P	Opiates, Free Prep	3776665	OK	Lutz-Maltz, Joan	12/27/2014
MSOPF01A	Opiates-Free Analytical	3776731	OK	Porto, Marcellino	12/28/2014
MSOPF01A-BREV	Opiates-Free Analytical	3776731	OK	Long, Kristina	12/29/2014

Lab ID 14331040-001 (Blood)

Acode 54217B - Carisoprodol and Metabolite Confirmation (Drug Impaired Driving/DRE Toxicology), Blood (Forensic)

Procedure	Procedure Description	HBN	CC	User Name	Date
MSMEP01P	Carisoprodol Prep	3777484	OK	Long, Kristina	12/29/2014
MSMEP01A	Carisoprodol Analytical	3777645	OK	Davidovics, Rachel	12/29/2014
MSMEP01A-BREV	Carisoprodol Analytical	3777645	OK	Miller, Paul	12/30/2014

Lab ID 14331040-001 (Blood)

Acode 8071B - Drug Impaired Driving/DRE Toxicology Panel, Blood (Forensic)

Procedure	Procedure Description	HBN	CC	User Name	Date
SC02BLDP	Tecan Prep	3775066	OK	DeMauro, Danielle	12/24/2014
SC02BLDA	Tecan Analytical	3775071	OK	DeMauro, Danielle	12/24/2014
SC02BLDA-MSCB	Tecan Analytical	3775071	OK	Mathews, Colleen	12/24/2014

Lab ID 14331040-001 (Blood)

Acode 8075B - Drug Impaired Driving/DRE Toxicology Expanded Drug Screen Add-On, Blood (Forensic)

Procedure	Procedure Description	HBN	CC	User Name	Date
GSTOX01P	TOF-Expanded-Prep	3775635	OK	Carrico, Cristina	12/25/2014
GSTOX01A	TOF-Expanded Analytical	3775639	OK	Holsey, Brian	12/26/2014
GSTOX01A-BREV	TOF-Expanded Analytical	3775639	OK	Hackman, Amanda	12/28/2014

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NMS
LABORATORY

Chain of Custody - Posting History Report

Workorder: 14331040

Procedure Legend

Procedure	Procedure Information
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P	Prepared the aliquot for analysis
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A	Calculated and entered the results into the computer system or ensured proper transfer of results into the computer system by the Instrument Interface; reviewed QC and Calibration Data, if applicable
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A-BREV	Reviewed the batch for errors and released the run
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Condition Code (CC) Legend

CC	CC Description
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OK	Completed
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RF	Realq - Analysis Failure
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v.2

LABORATORY LICENSURE AS OF DECEMBER 2014

1. College of American Pathologists (CAP) International Standards - ISO 15189:2007 Accreditation: Certification No. 3030301 (Expires August 22, 2016)
2. Clinical Laboratory Improvement Amendments (CLIA) Certificate of Accreditation: Laboratory No. 39DO197898 (Expires May 7, 2016)
3. College of American Pathologists (CAP) Laboratory Accreditation Program (LAP): Accreditation No. 30303-01 (Expires December 8, 2015)
4. Pennsylvania Department of Health: Laboratory Permit No. 000504A (Expires August 15, 2015)
5. New York State Department of Health: PFI No. 3772 (Expires June 30, 2015)
6. State of California Department of Public Health: Lab ID Number COS 800001 (Expires May 30, 2015)
7. Maryland Department of Health: For Welsh Road location, Laboratory Permit No. 580 (Expired June 30, 2016)
8. Maryland Department of Health: For Stratford Avenue location, Laboratory Permit No. FL009X (Expires December 4, 2015)
9. Medicare No. 39-8154 (No hard copy of license; covered under inspection by Commonwealth of PA)
10. DEA Registration (Expires October 31, 2015)
11. Approved by OSHA for Blood Lead Analysis (No Expiration Date)
12. NRC Registration No. 8405 (No expiration date)
13. National Provider Identifier (NPI) Number - 1922177732
14. FDA Registration No. 949561885 (2300 Stratford Ave)
15. The American Society of Crime Lab Directors/Laboratory Accreditation Board ISO 17025 accreditation (ASCLD/LAB-International): Certificate No. ALI-112-T (April 19, 2015)
16. American Board of Forensic Toxicology (ABFT) accreditation: Certificate No. L017 (Expires June 30, 2015)
17. Texas Department of Public Safety Accreditation in Controlled Substances, Biology, and Trace Evidence (No expiration date - tied to ASCLD/LAB accreditation)
18. Texas Department of Public Safety Accreditation in Toxicology (No expiration date - tied to ABFT accreditation)
19. Louisiana Department of Public Safety and Corrections - Forensic Toxicology Analysis (No expiration date - tied to CAP accreditation)
20. Rhode Island Department of Health - Office of Facilities Regulation: License No. LCO00262 (Expires December 30, 2014; pending renewal)
21. Florida Agency for Healthcare Administration - License No. 800003261 (Expires September 30, 2015)
22. Illinois State Police License (Expires January 1, 2017)
23. Colorado Department of Public Health and Environment (Expires June 30, 2015)



NMS LABS TOXICOLOGY LABORATORY LICENSURE AS OF FEBRUARY 2016

1. Clinical Laboratory Improvement Amendments (CLIA) Certificate of Accreditation: Laboratory No. 39DO197898 (Expires May 7, 2016)
2. College of American Pathologists (CAP) Laboratory Accreditation Program (LAP): Accreditation No. 30303-01 (Expires December 8, 2017)
3. College of American Pathologists (CAP) International Standards - ISO 15189:2007 Accreditation: Certification No. 3030301 (Expires August 22, 2016)
4. The American Society of Crime Lab Directors/Laboratory Accreditation Board ISO 17025 Accreditation (ASCLD/LAB-International): Certificate No. ALI-390-T (Expires July 10, 2017)
5. California Department of Public Health: Lab ID Number COS 800001 (Expires May 29, 2016)
6. Colorado Department of Public Health and Environment: (Expires June 30, 2016)
7. Florida Agency for Healthcare Administration - License No. 800003261 (Expires September 30, 2017)
8. Illinois State Police License: (Expires January 1, 2017)
9. Maryland Department of Health: Laboratory Permit No. 580 (Expired June 30, 2016)
10. New York State Department of Health: PFI No. 3772 (Expires June 30, 2016)
11. Pennsylvania Department of Health: Laboratory Permit No. 000504A (Expires August 15, 2016)
12. Rhode Island Department of Health - Office of Facilities Regulation: License No. LCO00262 (Expires December 30, 2016)
13. American Board of Forensic Toxicology (ABFT) accreditation: Certificate No. L017 (Expires June 30, 2017)
14. Louisiana Department of Public Safety and Corrections - Forensic Toxicology Analysis (No expiration date - linked to CAP accreditation)
15. Texas Department of Public Safety accreditation in Toxicology (No expiration date - linked to ASCLD/LAB and ABFT accreditation)
16. DEA Registration (Expires October 31, 2016)
17. OSHA Approved for Blood Lead Analysis (No expiration date)
18. NRC Registration No. 8405 (No expiration date)
19. National Provider Identifier (NPI) Number - 1922177732 (No expiration date)
20. Medicare No. 39-8154 (No hard copy of license; covered under inspection by Commonwealth of PA)



NMS LABS CRIME LABORATORY LICENSURE AS OF FEBRUARY 2016

1. The American Society of Crime Lab Directors/Laboratory Accreditation Board ISO 17025 Accreditation (ASCLD/LAB-International): Willow Grove/Bucks County Certificate No. ALI-112-T (Expires April 16, 2019)
2. Texas Department of Public Safety Accreditation in Controlled Substances, Biology, and Trace Evidence (No expiration date – tied to ASCLD/LAB accreditation)
3. Maryland Department of Health: Laboratory Permit No. FL009X (Expires December 4, 2018)
4. DEA Registration: (expires October 31, 2016)
5. FDA Registration: No. 949561885 (2300 Stratford Ave)



INTEGRATED FORENSIC LABS (IFL) CRIME LABORATORY LICENSURE AS OF FEBRUARY 2016

1. The American Society of Crime Lab Directors/Laboratory Accreditation Board ISO 17025 Accreditation (ASCLD/LAB-International): El Paso/Dallas Fort Worth/Winston-Salem/Cumberland County Certificate No. ALI-322-T (Expires February 27, 2019)
2. Texas Controlled Substance Registration: El Paso/ Dallas Fort Worth (Expires August 31, 2016)
3. DEA Registration TX: El Paso/Dallas Fort Worth (Expires November 30, 2016)
4. DEA Registration PA: Bucks County (Expires October 31, 2016)
5. DEA Registration FL: Jacksonville (Expires October 31, 2016)
6. DEA Registration NC: Cumberland County/Winston-Salem (Expires November 30, 2016)
7. North Carolina Department of Health and Human Services Controlled Substances Registration Certificate: Cumberland County (Expires July 31, 2016)
8. North Carolina Department of Health and Human Services Controlled Substances Registration Certificate: Winston-Salem (Expires October 31, 2016)

CURRICULUM VITAE of
Wendy R. Adams, Ph.D., F-ABFT

· **NMS Labs**
3701 Welsh Road
Willow Grove, Pennsylvania 19090
215-657-4900
www.nmslabs.com

EDUCATION:

B.S. Biochemistry, 1998, University of Arizona, Tucson, AZ
Ph.D. Pharmacology and Toxicology, 2007, Duquesne University, Pittsburgh, PA

CERTIFICATIONS and AWARDS:

Qualified Laboratory Director in Clinical Toxicology, Forensic Toxicology and
Therapeutic Substance Monitoring, NY State Dept. of Health, 9/14
Fellow of the American Board of Forensic Toxicology, 06/11
American Foundation for Pharmaceutical Education, Pre-Doctoral Fellow, 08/04

PROFESSIONAL MEMBERSHIPS:

Society of Forensic Toxicologists, Member
American Academy of Forensic Sciences, Member

PROFESSIONAL EXPERIENCE:

NMS LABS, Willow Grove, PA

National Medical Services is an independent professional laboratory and consultative service specializing in bioanalytical toxicology, biopharmaceuticals and criminalistics providing analysis of blood, urine, tissues and extraneous evidence and supported by expert opinion reporting and expert testimony.

11/13 – Present Assistant Laboratory Director

As an Assistant Laboratory Director, I define, implement and monitor the performance of analytical tests within my assigned departments. This includes responsibilities for staff competency through training and continuing education. I am also available to provide interpretation of laboratory results in the context of specific investigations.

07/11 – 11/13 Toxicologist II

In addition to the responsibilities of a Toxicologist I below, I also assisted with training of Toxicologist I employees and interacted with the toxicological community via publications and presentations.

November, 2015

07/09 – 07/11 Toxicologist I

As a Toxicologist I, I reviewed analytical data and prepared reports describing the results of forensic analyses in biological matrices. I consulted with a variety of clients including law enforcement, criminal and civil attorneys and medical examiners to assist with the interpretation of such analytical results.

09/07 – 07/09 Postdoctoral Toxicologist

As a trainee for the position of Toxicologist I, I participated in several analytical departments within a high throughput forensic/clinical laboratory. The first year of my training was devoted to the screening department using gas-chromatography/mass-spectrometry (GC/MS) and liquid-liquid extraction. During my second year I received training and approval to review analytical reports, address client questions, and write expert opinions.

DUQUESNE UNIVERSITY, Pittsburgh, PA

01/06 – 05/07 Adjunct Faculty

As Instructor for the graduate Forensic Applications Laboratory (1 credit, 42 students), I developed the syllabus, procedures and assessments in addition to teaching three evenings per week. Topics included color tests, thin layer chromatography (TLC), immunoassay, and GC/MS.

08/99 – 05/07 Research Assistant

As a senior research assistant, I served as a laboratory manager and developer of new techniques. I optimized procedures for molecular cloning (including PCR) and analyzing drug responses using immunoassays. I was also responsible for training incoming graduate students and undergraduate assistants.

08/99 – 05/04 Head Teaching Assistant

As the supervising TA for the Anatomy and Physiology Lab, I designed the course curriculum, assignments, exams and slideshows. I was responsible for managing four to six other teaching assistants.

CARLOW UNIVERSITY, Pittsburgh, PA

08/06 – 12/06 Adjunct Faculty

As the instructor for Advanced Practice Nursing Pharmacology, I designed and taught a course covering the mechanism of action for each major drug class.

**ALLEGHENY COUNTY CORONER'S OFFICE FORENSIC LABORATORY,
Pittsburgh, PA**

05/00 – 08/02 Forensic Chemist

As part of the forensic chemistry section, I was responsible for analyzing drugs of abuse using infrared spectroscopy, color tests, TLC and GC/MS.

PUBLICATIONS:

Surrtatt CK and Adams WR, G Protein-Coupled Receptor Structural Motifs: Relevance to the Opioid Receptors, 2005. *Curr Top Med Chem* 5(3):p. 315-24

Smith J, Gard J, Cummings W, Kanizsal A, and Krohnak V, Necklace-Coded Polymer-Supported Combinatorial Synthesis of 2-Arylamino-Benzimidazoles, 1999. *J of Comb Chem* 1:p. 368-370.

ABSTRACTS and PRESENTATIONS:

Concentrations of 1,1-Difluoroethane in Postmortem and Impaired Driving Cases, Platform Presentation S16, SOFT Annual Meeting, Atlanta, GA, 2015

Adams W, Pharmacology of Designer Drugs, Emerging Trends and Analysis of Synthetic Compounds Workshop at Mid-Atlantic Association of Forensic Sciences Meeting, State College, PA, 2014

Adams W, Sample Preparation Techniques, Certificate Program in Forensic Toxicology, The Center for Forensic Science Research & Education, Willow Grove, PA, 2013

Adams W, Ofsa W, Williams L & Barbieri E, Cross-Reactivity of Designer Phenethylamines with the Emfit II Plus Amphetamine/ Methamphetamine Assay in Urine, Platform K75, AAFS Annual Meeting, Washington, DC, 2013

Adams W, Toxicology in DUI Cases, Presentation at DUI Law Enforcement Seminar, Mechanicsburg, PA, 2012

Adams W, Drug Effects and Analysis for the Family Lawyer, Workshop at Pennsylvania Legal Aid Network Conference, Harrisburg, PA, 2012

Adams W, Toxicology Methods and Limits, Lecture at DUI Bootcamp, Pennsylvania District Attorneys Institute, State College, PA, 2012

Adams W, Barbieri E, and Keppel M, Postmortem Analysis of Ethylene Glycols after Brake Fluid Ingestion, Platform Presentation S15, SOFT Annual Meeting, Richmond, VA, 2010

Adams W, Homan J, and Corvo J, Methcathinone Formation During Analysis of Ephedrine or Pseudoephedrine, Poster K22, AAFS Annual Meeting, Seattle, WA, 2010

Middleberg R, Lemos N, Adams W, Greenwald M, Kiesel E, and Langman L, Postmortem Pediatric Toxicology, Special Session K41, American AAFS Annual Meeting, Seattle, WA, 2010

Langman L, Spirk M, Anderson D, Adams W, and Kearney T, Newer Prescription Drugs: Impairment Potential and Identified Polypharmacies, Workshop #8, SOFT Annual Meeting, Oklahoma City, OK, 2009

CONTINUING EDUCATION:

- Statistics for Decision-making in Toxicology, Workshop 2, SOFT Annual Meeting, Atlanta, GA, October 19, 2015
- Protecting Human Research Participants, Online Certificate from NIH Office of Extramural Research, November 8, 2014
- Developments in Emerging and Designer Drug Markets, Workshop 19, AAFS Annual Meeting, Washington, DC, February 19, 2013
- Principles and Applications of Liquid Chromatography Mass Spectrometry (LC/MS) for the Forensic Pathologist, Workshop 12, AAFS Annual Meeting, Washington, DC, February 18, 2013
- Using Pharmacokinetics to Analyze Forensic Toxicology Cases, Workshop M14, AAFS Annual Meeting, Atlanta, GA, February 20, 2012
- Courtroom Presentation Skills, Center for Forensic Science Research and Education King of Prussia, PA, November 3-4, 2011
- American College of Medical Toxicology Seminar in Forensic Toxicology: Opioids Philadelphia, PA, November 8-9, 2010
- Borkenstein Course on the Effects of Drugs on Human Performance and Behavior Bloomington, IN, April 11-16, 2010
- Borkenstein Course on Alcohol and Highway Safety, Bloomington, IN, December 8-12, 2008